Race, Racialisation and the Death Penalty in England and Wales, 1900-65

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‘Race, Racialisation and the Death Penalty in England and Wales, 1900-65’ is an interdisciplinary project at the University of Sussex funded by the Leverhulme Trust (RPG-2016-352). It draws on concepts, methodologies and modes of analysis from both history and criminology to explore the over-representation of black and other minority ethnic (BME) people among those capitally punished in the twentieth century (roughly 5% of civilian executions were BME compared to 0.3% of the British population in 1950).

Though case studies have previously analysed the significance of racism and racist discourse in individual trials, including in relation to miscarriage of justice (Minkes and Vanstone, 2006; D’Cruze, 2007), there have been no larger, more thoroughgoing studies of race and the death penalty. This omission leaves a gap in scholarship regarding the history of racialized punishment – the ways in which punishment was part of the maintenance of racial inequality, particularly in relation to the ‘importance of colonialism in structuring ideas about crime and punishment’ (Cuneen, 2014: 390).

By examining, as far as possible, all cases of BME individuals sentenced to death in England and Wales 1900-65, the project will explore issues of racial discrimination in relation to capital punishment, including the ways in which prosecutions for murder were in practice made racist. Narratives and stereotypes of racial difference and racialized interpretations of defendant’s behaviour will be explored through critical readings of archival material and newspaper reporting on individual cases.

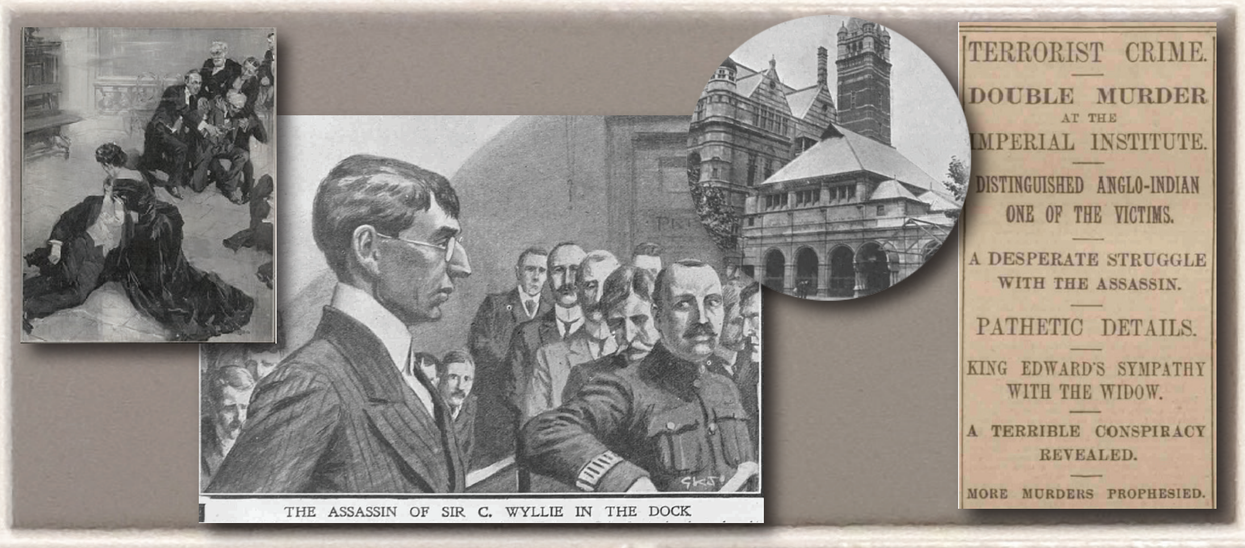
The project launched in April 2017, initially focusing on identifying capital cases in England and Wales with black and other minority ethnic defendants, and copying the files on those cases at The National Archives. As of July 2017, 45 cases have so far been identified, half of which have been copied. Here, project Principal Investigator Lizzie Seal and Research Fellow Alexa Neale present some of their initial findings from two case studies.

Madan Lal Dhingra (left) was born in Amritsar, British Punjab in 1883 to a wealthy family who were supporters of British rule in India. He studied engineering at University College, London, where he joined societies of Indian students including the loyalist British Indian Association and the nationalist India House. His presence at the latter worried his father due to its reputation for anti-Imperialist sentiment and ‘seditious’ publications supporting home rule for India. When direct appeals to his son failed, Dr Dhingra asked his friend in London, Sir William Hutt Curzon Wyllie, to use his influence to persuade Madan to stop attending India House.

Sir William Hutt Curzon Wyllie (right) had enjoyed a long and distinguished career in the British Army in India, rising to the rank of Lieutenant-Colonel. In 1909, he was serving as advisor and political aide-de-camp to the Secretary of State for India, hosting and entertaining Indian magnates and students visiting England. On 1st July 1909, an ‘At Home’ event was held at the Imperial Institute, South Kensington, hosted by the British Indian Association. As guests were leaving, Madan Lal Dhingra pulled a revolver from his pocket and shot at Wyllie who was killed instantly. A Parsee doctor who stood between Dhingra and Wyllie was also shot and died.

Dhingra turned the gun on himself but it failed to fire. After he was found guilty of murder at the Old Bailey he explained:-

> ‘…if it is patriotic in an Englishman to fight against the Germans if they were to occupy this country, it is much more justifiable and patriotic in my case to fight against the English. I hold the English people responsible for the hanging and deportation of my patriotic countrymen, who did just the same as the English people here are advising their countrymen to do… Just as the Germans have no right to occupy this country, so the English people have no right to occupy India, and it is perfectly justifiable on our part to kill the Englishman who is polluting our sacred land… I wish that English people should sentence me to death, for in that case the vengeance of my countrymen will be all the more keen.’



THE ASSASSIN OF SIR C. WYLLIE IN THE DOCK

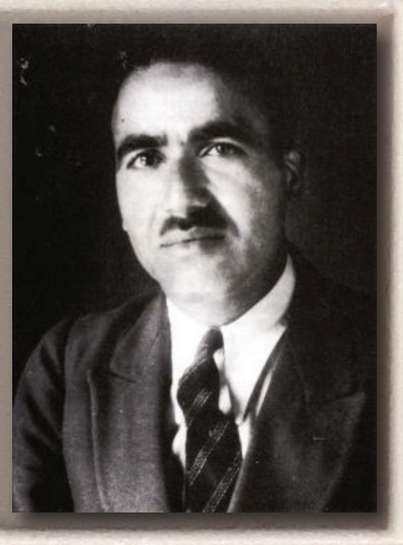
Dhingra’s statement was suppressed by authorities but published by his supporters after he was sentenced to death. A major concern at the Home Office was that Dhingra’s anti-colonial sentiments might make him a martyr if he was hanged, and for this reason many wrote to the Home Secretary, Herbert Gladstone, to recommend a reprieve:

> ‘It might be better to imprison for life a murderer of this sort and thereby deprive him of the martyrdom he covets and perhaps deter imitators… [On the other hand] public opinion in this country would rightly resent any interference with the due course of the law and it would be represented as a sign of weakness in India.’

Colonial concerns were at the forefront of the debate:

> ‘Dhingra's act can only be defended, as he defended it, on grounds which would justify the murder of every Englishman by every Indian. This is madness, sheer and downright lunacy. As if a man in revolt against the existence of the sea would shoot every sailor on sight.’
>
> ‘You have not to do with a purely domestic or national matter but with some millions of people of greatest intelligence sunk in abject superstition, and liable at any moment to blaze out into religious frenzy and that people governed by a mere handful of our countrymen… Dhingra’s is no ordinary case and the best way of meeting it may be found in a departure from popular English opinion that has no more notion of what Indian character is than the man in the moon… Were he an ordinary Englishman the law should certainly be allowed to take its course but he is not.’

Despite petitions to recommend a reprieve, Gladstone ultimately decided not to interfere with the course of the law. Madan Lal Dhingra was hanged at Pentonville Prison on 17th August 1909.



Udham Singh (left) was born in the British Punjab in 1899 and brought up in an orphanage in Amritsar. In 1919, as a young man, Singh witnessed the Amritsar Massacre in which hundreds, perhaps thousands, of unarmed Indian people of different faiths were shot dead by British troops at a peaceful gathering. The event divided contemporary British opinion on the roles and culpability of General Dyer, who directly commanded troops, and Sir Michael O’Dwyer, then Governor of Punjab.

For the next few years Udham Singh travelled the world, exploring major US cities and working his way around Europe and the Mediterranean as a carpenter on US ships. Back in India, Singh was accused of being involved in anti-Imperialist politics, carrying arms and seditious literature, and sentenced to five years in prison. On release he was granted a passport by the British Indian authorities and travelled to London. In the mid-1930s he again travelled Europe, this time by car as a tourist, and then worked for London film studios as an extra in crowd scenes. In 1940 he wanted to travel again but had difficulties gaining permissions because of wartime travel restrictions. At a visit to the India Office about his passport, Singh found that there would be a lecture hosted by Sir Michael O’Dwyer on behalf of the Central Asian Society at Caxton Hall on the 13th March.

Sir Michael O’Dwyer (right) had, by 1940, been retired for many years and living in London. General Dyer died in 1927 but O’Dwyer still publicly defended his actions in the Amritsar Massacre. According to one witness, he even spoke about the event at the Caxton Hall lecture. As the speakers were leaving the stage, Udham Singh pulled out a revolver and shot O’Dwyer at close range. When he was arrested he said

> ‘I have seen people starving in India under British Imperialism… I done my duty. I did it because I had a grudge against him. He deserved it… I don’t mind dying. I am dying for my country.’

Markers of Singh’s Indian identity were supressed at his trial where he was found guilty of murder and sentenced to death. Prosecution counsel declared: ‘Members of the jury, there are no political aspects of this case,’ and the presiding judge refused to hear Singh’s prepared statement, rather he advised the court that nothing Singh said should be published. He reacted:

> ‘You don’t want to hear from us what you are doing in India. Beasts! …England, England, down with Imperialism, down with the dirty dogs…’

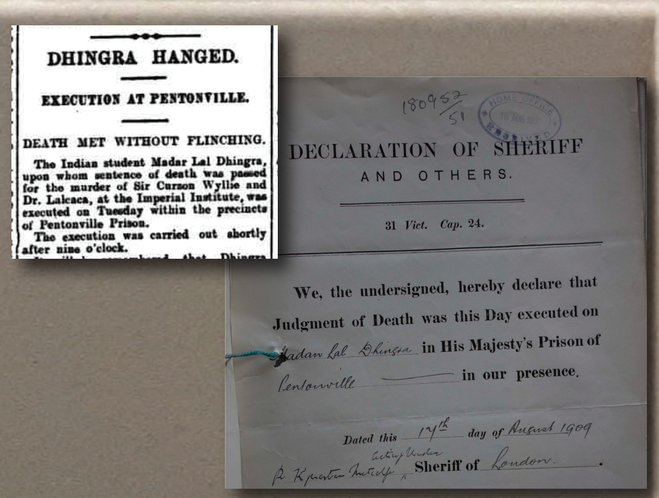
After the trial, petitioners to the Home Office claimed that commuting Singh’s sentence to life in prison would have ‘an enormous effect upon public opinion in India and would close the unhappy chapter of Amritzar.’

> ‘…few English people realise how deep and bitter is the resentment Indians still feel over Amritsar. It was the switch over from trust to distrust of Britain by India. Could we, by a generous act of clemency, make some reparation for the shooting…[?] It might go a long way… No moment could be more opportune. Few things count more heavily against us in world opinion than that politically-minded India still refuses to throw itself in on our side in this war.’

Though a reprieve for Singh might make India more likely to support Britain at war, it might also allow his voice to be heard:

> ‘If we help the British [in this war] we [will] get the same thing what they gave us after the last war. The violent and brutal English interfere in India public, cultural, economic and social life, accompanied by the most brutal and incredible physical persecution. Our war is not war with Germany and Russia but with Britain. The British convert our country into prison and a hell.’

Singh was hanged at Pentonville Prison on 31st July 1940.



Through the processes of the criminal justice system, Dhingra and Singh became ‘executable subjects’ – those seen as deserving of death (Sarat and Shoemaker, 2011). Their cases illustrate the shifting constructions of racial meaning from 1909 to 1940. Changing understandings of Britishness in this period, new immigrant populations, changes in the nature of colonialism and shifts toward postcolonialism changed the ways cases were discussed and defendants were framed. Placing case studies in their wider social, cultural and political contexts in this way helps to shed new light on the penal culture of contemporary England and Wales.

Being political assassinations, the discourses around punishing the actions of Dhingra and Singh gave the death penalty political meaning. Their actions were critical of colonialism and their punishment was therefore racialized. Though there were attempts to conceal political content from the courtroom and public, politics of race and colonialism were central to post-trial decision-making. Contemporaries were forced to consider the potential impact of the life or death of the defendant on global, as well as local public opinion in these cases. Home Office officials had to discuss the wider meaning of the death penalty more generally, what it was *for*, as well as how mercy might be interpreted if it were applied in these instances.

The majority of twentieth-century murders were spouse- or partner-killings. The political shootings by Dhingra and Singh are unusual amongst them, and contemporary discussions of the cases have different resonances and meanings. We anticipate, however, that analysis of these cases as the project progresses will continue to reveal the ways in which the death penalty was racialized in England and Wales until it was finally abolished in 1965.